

**STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES**

IN THE MATTER OF THE APPLICATION) OF PEMAQUID OYSTER COMPANY FOR) RENEWAL OF AN AQUACULTURE LEASE) LOCATED WEST OF GOOSE LEDGES IN) THE DAMARISCOTTA RIVER, NEWCASTLE) LINCOLN COUNTY, MAINE)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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On July 29, 2002, Pemaquid Oyster Company applied for the renewal of an aquaculture lease issued on February 19, 1993. The Company requested a ten-year renewal, to February 18, 2013, of a 1.84-acre suspended culture lease located west of Goose Ledges in the Damariscotta River, Newcastle, Lincoln County, Maine, identified in the Department records as POCO GL2. The Company also requested the consolidation POCO GL2 with an existing bottom lease, identified in the Department records as POCO GL4, which shares the same footprint as Tract 1 of POCO GL2.

Notice of the application for lease renewal and consolidation was published in the February 2003 issue of Commercial Fisheries News and the January 16, 2003 and January 30, 2003 issues of the Lincoln County News. Members of the public, riparians and interested persons were given to February 15, 2003 to request a hearing on the application for lease renewal. No requests for a hearing on this application were received by the Department during the comment period.

Applications for aquaculture lease renewals are governed by 12 M.R.S.A. §6072(12) and Chapter 2.45 of the Department's rules, which provide that an aquaculture lease may be renewed unless the lessee has not complied with the original lease agreement during its term, substantially no aquaculture or research has been conducted, the Commissioner finds that it is not in the best interest of the state to renew the lease taking into consideration, among other things, the potential for conflict with other new or existing uses of the area which the Commissioner determines to be a higher use of the area from the perspective of the public

interest, or that the renewal will cause the lessee to be a tenant of any kind in leases covering an aggregate of more than 250 acres.

Pemaquid Oyster Company has complied with the lease agreement during its ten-year term. It has conducted shellfish aquaculture on the site. There are no known conflicts with other new or existing uses of the area. Additionally, the renewal of this lease will not cause Pemaquid Oyster Company to lease more than 250 acres.

Finally, in order for the Department to locate the lease site using modern location finding technology, i.e., Differential Global Positioning Systems, the lease description has been converted to Datum NAD83 and Degrees True. While the original site location shall remain the same, the following lease description shall replace the description set forth in the original lease document:

Starting at a prominent boulder on the highest point of land on the southern end of the Goose Ledges, Damariscotta River, Damariscotta (Latitude 44° 00' 51.988"N, Longitude 69° 32' 44.908"W, North American Datum 1983 – NAD83); thence 274.37°True, a distance of 645 feet to the southeast corner and Point of Beginning (Latitude 44° 00' 52.473"N, Longitude 69° 32' 53.709"W); thence 19.37°True, a distance of 400 feet to the northeast corner (Latitude 44° 00' 56.200"N, Longitude 69° 32' 51.894"W); thence 299.37°True, a distance of 100 feet, to the northwest corner (Latitude 44° 00' 56.684"N, Longitude 69° 32' 53.087"W); thence 199.37°True, a distance of 400 feet to the southwest corner (Latitude 44° 00' 52.957"N, Longitude 69° 32' 54.902"W); thence 119.37°True, a distance of 100 feet to the SE corner and Point of Beginning (Tract #1).

Starting at a prominent boulder on a protruding point of shore in the town of Newcastle, due west of the southern end of the Goose Ledges thence 126.37°True, a distance of 81 feet to the northwest corner and Point of Beginning (Latitude 44° 00' 46.514"N; Longitude 69° 32' 53.017"W); thence 190.37°True, a distance of 500 feet to the southwest corner (Latitude 44° 00' 41.657"N, Longitude 69° 32' 54.249"W); thence 100.37°True, a distance of 80 feet to the southeast corner (Latitude 44° 00' 41.515"N, Longitude 69° 32' 53.172"W); thence 10.37°True, a distance of 500 feet to the northeast corner (Latitude 44° 00' 46.372"N, Longitude 69° 32' 51.940"W); thence 280.37°True, a distance of 80 feet to the northwest corner and Point of Beginning (Tract #2).

This new description sets forth the same boundaries of the original lease site, but is more precise and can be easily located through the use of modern technology.

Decision

The Commissioner of Marine Resources grants the application of Pemaquid Oyster Company for renewal of the 1.84-acre aquaculture lease located in the Damariscotta River, Newcastle, Maine, for a period of ten years, to February 18, 2013. In the renewal of this lease, Pemaquid Oyster Company is subject to the same terms, conditions, and obligations as set forth in the original lease. Further, the Commissioner hereby consolidates the bottom culture aquaculture lease identified as POCO GL4 with POCO GL2. The current lease for POCO GL4 will be terminated pursuant to this decision, and the new lease for POCO GL2 shall include both suspended and bottom culture in Tract 1 of the lease area.

Dated: _____

George D. Lapointe (Commissioner)
Department of Marine Resources